

## NEW YORK CITY FIRE DEPARTMENT

### **Notice of Public Hearing and Opportunity to Comment on Proposed Rule**

**What are we proposing?** The Fire Department is proposing:

1. A new rule, 3 RCNY §325-01, entitled “Fire Safety at Production Locations,” to implement the fire safety requirements enacted by Local Law Nos. 33 and 34 of 2021, set forth in Section 325 of the New York City Fire Code, with respect to film production locations;
2. A new rule, 3 RCNY §113-14, entitled “Production Location Fire Safety Manager Certificate of Fitness” to implement Local Law No. 33 of 2021;
3. A new rule, 3 RCNY §113-13, entitled “Production Location Fire Safety Manager Training Courses,” to implement Local Law No. 33 of 2021 by establishing minimum requirements for classroom training to become eligible for the Production Location Fire Safety Manager Certificate of Fitness; and
4. An amendment to existing rule 3 RCNY §202-01, entitled “Definitions,” to adopt definitions for three terms associated with production locations.

**When and where is the hearing?** The Fire Department will conduct a virtual public hearing, using the “GoToMeeting” application, as set forth below. The public hearing will take place at **11:00 a.m. on December 12, 2023.**

**How do I comment on the proposed rule?** Anyone can comment on the proposed rules by:

- **Website** - You can submit comments to the Fire Department through the NYC rules website at <http://rules.cityofnewyork.us>, or on the “FDNY Rules” page of the Fire Department’s website, <http://www1.nyc.gov/site/fdny/codes/fire-department-rules/fire-dept-rules.page>.
- **Mail** - You can mail written comments to Code Development Unit, Bureau of Fire Prevention, New York City Fire Department, 9 MetroTech Center, Room 3N2, Brooklyn, NY 11201.
- **Speaking at the hearing** - Anyone who wants to comment on the proposed rule at the on-line public hearing must sign up by emailing [code.develop@fdny.nyc.gov](mailto:code.develop@fdny.nyc.gov). You will receive by reply email a link to the GoToMeeting and call-in information. The time for which you can speak at the hearing may be limited.

Join through Internet:

To join the hearing, use your Internet browser to click on the URL link that will be sent to you (or copy the link and paste it into your browser's address bar). Then follow the prompts to enter the meeting password and attendee ID.

When joining the meeting, choose either "use computer for audio" or "call in" for the audio portion of the public hearing. The information needed to connect (phone number, access code and/or attendee ID) will be provided after you join the GoToMeeting. If you have low bandwidth or inconsistent Internet connection, we suggest you use the "call-in" option.

Join by phone only (call-in option):

To join the hearing only by phone, use the phone number and access code that you will receive by reply email.

**Is there a deadline to submit written comments?** Yes, you must submit written comments by December 12, 2023.

**What if I need assistance to participate in the hearing?** You must notify the Bureau of Fire Prevention if you need a sign language interpreter or other reasonable accommodation for a disability at the hearing. Write to us at the address above or telephone us at (718) 999-2042. Advance notice is requested to allow sufficient time to arrange the accommodation. Please notify us by December 5, 2023.

**Can I review the comments made on the proposed rule?** You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us>. A few days after the hearing, a record of the hearing and copies of the written comments will be available to the public at the Bureau of Fire Prevention.

**What authorizes the Fire Department to make this rule?** Section 1043 of the New York City Charter, and Sections FC102.6.3 and FC 325 of the New York City Fire Code (Title 29 of the Administrative Code of the City of New York) authorize the Fire Department to propose this rule.

**Where can I find the Fire Department rules?** The Fire Department rules are codified in Title 3 of the Rules of the City of New York and can be viewed on the Fire Department's website, [www.nyc.gov/fdny](http://www.nyc.gov/fdny) and at <http://rules.cityofnewyork.us>.

**What laws govern the rulemaking process?** The Fire Department must meet the requirements of Section 1043 of the New York City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the New York City Charter. This rule was included in the Fire Department's FY2022 Regulatory Agenda published in the City Record in June 2021.

## **Statement of Basis and Purpose of Proposed Rule**

The Fire Department proposes new rules addressing fire safety at film production locations. The proposed rules implement New York City Fire Code Section FC325, which was enacted by Local Law Nos. 33 and 34 of 2021 (“Local Law 33” and “Local Law 34,” respectively) after the death of Michael R. Davidson, a Fire Department firefighter assigned to Engine Company 69.

### **Background: March 2018 Fatal Fire**

On March 22, 2018, Engine Company 69 responded to a cellar fire in a Manhattan building at which a movie was being filmed. Firefighter Davidson sustained serious injuries fighting the fire, which resulted in his death on March 23, 2021. Michael Davidson was posthumously promoted to the rank of Lieutenant.

The Fire Department’s investigation into the line of duty death of Lt. Davidson found that, among other things:

- the Fire Department’s field units had no advance notice of the movie production;
- highly combustible materials had been placed on the walls throughout the first floor where the movie set was located;
- movie set walls created voids which initially concealed the fire; and
- the first units operating at the fire were unaware that the false walls were not intrinsic to the building.

### **Local Laws 33 and 34**

In response to the findings of the Fire Department investigation, the City Council, in consultation with the Fire Department and the Mayor’s Office of Media and Entertainment (MOME), proposed and enacted legislation to amend the Fire Code to address fire safety at “production locations.” As defined in Section 202 of the Fire Code, a production location is a premises associated with a filming permit issued by MOME or the Department of Small Business Services in connection with motion picture, television, or commercial production.<sup>1</sup>

Local Law 33 amended the New York City Fire Code to add a new section, FC325, that sets forth fire safety requirements for filming and rigging at production locations other than soundstages, production studios, and approved production facilities. Local Law 34 amended FC325 to add additional requirements related to interagency coordination, means of egress, combustible waste, and portable fire extinguishers.

FC325.5 requires the Fire Department to promulgate rules addressing fire safety at production locations, taking into account the occupancy, construction, and condition of the premises associated with the production location, along with the nature of the production activities to take

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<sup>1</sup> Activity associated with filming that does not require a shooting or rigging permit pursuant to MOME rules is not subject to the requirements of Fire Code Section 325 or the proposed rule.

place at such location, including set construction or other alterations, and whether pyrotechnic or other special effects will be conducted.

Additionally, FC325.5(1) authorizes the Fire Department to require the presence of one or more production location fire safety managers (to be designated by the applicable film production permit holder) and to establish the qualifications and duties of such fire safety managers.

Fire Code Section 325.2 requires all production locations subject to the requirements of FC325 to comply with the fire safety measures applicable to production locations in NFPA 140-18, entitled “Standard on Motion Picture and Television Production Studio Soundstages, Approved Production Facilities, and Production Locations.”

### Proposed Rule 3 RCNY §325-01

This proposed new rule implements Local Laws 33 and 34 by addressing the matters outlined in FC325. The proposed rule was developed by the Fire Department after consulting with MOME and industry representatives and taking into consideration industry practices and concerns.

Key terminology used in the proposed rules, including the definitions proposed to be added to 3 RCNY §202-01, derives from the rules of the Mayor’s Office of Film, Theatre and Broadcasting, which issues filming permits, as set forth in 43 RCNY §9-02.

The proposed rule would require a fire safety manager to personally supervise many production locations associated with shooting and rigging permits. The fire safety manager would be required to hold a specialized “certificate of fitness,” issued by the Fire Department, designed to address several potential shortcomings that currently exist in fire safety supervision, namely:

- the lack of a designated person responsible for fire safety at a production location. It is traditionally a shared responsibility rendering no single person accountable.
- the absence of a person responsible for fire safety present during shooting or rigging. Even where an individual is responsible for fire safety, such personnel are often not present at production locations.
- the lack of an experienced person trained and knowledgeable in fire safety measures.

A certificate of fitness is a written statement issued to a person who has demonstrated to the Fire Department that he or she is qualified to perform the duties and responsibilities required by the Fire Code or rules for a particular material, operation or facility, in this case, compliance with FC325 and the rule implementing it. The standard requirements for obtaining a certificate of fitness are:

- submission of proof of qualifications to the Fire Department;
- review of study materials prepared by the Fire Department and posted on the Fire Department website;
- successful completion of a written examination administered by the Fire Department, and
- payment of an application fee of \$25.00.

At a production location where a fire safety manager is required, the proposed rule would require such individual to:

- personally supervise and inspect the production location while production activity is occurring;
- complete and maintain an inspection checklist before the commencement of production activity (adapted from a similar checklist required by the Los Angeles Fire Department);
- confirm that all required permits and approvals have been obtained;
- immediately notify the permit holder and/or the authorized person in charge of the production location of any conditions detrimental to fire safety; and
- notify the Fire Department of fire, injury, or any incident involving a material, operation or facility regulated by the Fire Department.

The proposed rule also:

- sets forth an exception to the personal supervision requirement and would allow a knowledgeable person trained by the production location fire safety manager to personally supervise production locations near each other under the general supervision of the fire safety manager if certain conditions are met.
- clarifies that when more than one fire safety manager is assigned to a production location, all such persons must supervise the location in a manner best designed to promote fire safety and in accordance with additional directives of the Department, if any. Each fire safety manager must be able to readily communicate with the others.
- clarifies that NFPA 140 applies to production locations subject to FC325 even if a fire safety manager is not required by the rules.
- clarifies portable fire extinguisher requirements and provides for a maximum travel distance of 75 feet from shooting and rigging activity.
- establishes procedures to notify the Department of incidents and specifies incidents that require immediate notification, and
- prohibits powered mobility devices from being stored or charged indoors at production locations, with a limited exception. The prohibition is intended to combat the surging incidence of fires and explosions in New York City associated with powered mobility devices by disallowing the introduction of this additional hazard into interior production locations.

#### Proposed Rules 3 RCNY §113-13 and 3 RCNY §113-14

Proposed new rule 3 RCNY §113-13 would establish minimum requirements for classroom instruction associated with the certificate of fitness for production location fire safety manager. Satisfactory completion of seven hours of classroom training by a provider accredited by the Fire Department to offer such training would be required to obtain a certificate of fitness for production location fire safety manager.

Proposed new rule 3 RCNY §113-14 would establish qualifications for production location fire safety managers. Applicants for this Fire Department certificate of fitness would be required to demonstrate substantial experience as:

- a production manager, unit location manager, or comparable position in commercial, television and/or film production, with responsibility for *production location* safety;
- an employee of a government agency with responsibility for conducting and/or supervising fire code/fire safety inspections and enforcement;
- as a firefighter, construction site fire safety manager or fire and life safety director; or
- other qualifying knowledge, training, and experience acceptable to the Department.

The entire rule is underlined to indicate that it is all new material.

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Chapter 1 of Title 3 of the Rules of the City of New York is proposed to be amended by adding a new section, §113-13, to read as follows:

**§ 113-13 Production Location Fire Safety Manager Training Courses**

(a) Scope. This section sets forth the minimum hours of classroom instruction and topics required for *Department* accreditation of training courses for *certificates of fitness* for *production location* fire safety manager.

(b) General Provisions

(1) General accreditation requirements. *Production location* fire safety manager training courses must comply with the general training school accreditation procedures, standards, and requirements set forth in R113-04.

(2) Instructor qualifications. Instruction in *production location* fire safety manager training courses must be conducted by persons with fire code, fire suppression, *production location* fire safety, or other appropriate experience or expertise that qualifies them to teach the respective instructional topics of the training course.

(c) Required Hours and Topics of Instruction

(1) Training courses must, at a minimum, provide not less than seven (7) hours of instruction.

(2) Training courses must provide instruction in the following topics, and such other topics as the *Department* may from time to time designate by written notice to accredited training course providers:

(A) Introduction to the Fire Code and Fire Department Rules, including their organization and terminology.

(B) Fire Code *production location* provisions (FC325).

(C) All *production location* fire safety requirements, as set forth in 3 RCNY §325-01.

(d) Course Administration and Completion

(1) Students must attend all training classes to be eligible to take the training course's final examination.

(2) Students must be allowed two (2) opportunities to pass the final examination. Students who fail the final examination on the second attempt must reattend the course in its entirety.

§ 2. Chapter 1 of Title 3 of the Rules of the City of New York is proposed to be amended by adding a new section, §113-14, to read as follows:

**§ 113-14 Production Location Fire Safety Manager Certificate of Fitness**

(a) Scope. This section sets forth standards, requirements, and procedures for issuance of *certificates of fitness* for *production location* fire safety managers.

(b) General Provisions. Applicants for a *certificate of fitness* for a *production location* fire safety manager must meet the minimum qualifications and comply with the general requirements for a *certificate of fitness* set forth in FC113 and R113-01.

(c) Qualifications. In addition to the qualifications set forth in FC113 and R113-01, applicants for a *production location* fire safety manager *certificate of fitness* must possess and demonstrate to the satisfaction of the *Department* one or more of the following qualifications:

- (1) At least three (3) years of full-time experience (within six years prior to the date of the application) as a production manager, unit location manager, or comparable position in commercial, television and/or film production, with responsibility for production location safety;
- (2) At least eight (8) years of full-time experience (within the last twelve (12) years prior to the date of the application) for a government agency, with responsibility for conducting and/or supervising fire code/fire safety inspections and enforcement;
- (3) At least ten (10) years of full-time experience (within the last fifteen (15) years prior to the date of the application) as a firefighter or fire officer in a paid fire department; or
- (4) At least three (3) years of full-time experience as a construction site fire safety manager or fire and life safety (FLS) director, as those terms are defined or used in the Fire Code and the rules; or
- (5) Other qualifying knowledge, training, and experience acceptable to the Department.

(d) Application Procedures. Application for a production location fire safety manager certificate of fitness must be made in accordance with R113-01.

§ 2. Subdivision (c) of Section 202-01 of Chapter 2 of Title 3 of the Rules of the City of New York is proposed to be amended by adding three definitions, in alphabetical order, to read as follows:

**§ 202-01 Definitions**

(c) Definitions

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**Filming.** With respect to production locations, the term “filming” has the meaning set forth in the rules of the Mayor’s Office of Film, Television and Broadcasting, 43 RCNY §9-02(a).

\* \* \*

**Rigging.** With respect to production locations, the term “rigging” has the meaning set forth in the rules of the Mayor’s Office of Film, Television and Broadcasting, 43 RCNY §9-02(a).

\* \* \*



**Shooting.** With respect to *production locations*, the terms “shooting” has the meaning set forth in the rules of the Mayor’s Office of Film, Television and Broadcasting, 43 RCNY §9-02(a).

§ 3. Chapter 3 of Title 3 of the Rules of the City of New York is proposed to be amended to add a new section, §325-01, to read as follows:

**§ 325-01 Fire Safety at Production Locations**

(a) Scope. This section sets forth standards, requirements, and procedures for the protection of fire safety at *production locations* used for filming or rigging in accordance with FC325. This section does not apply to soundstages, production studios, or approved production facilities as defined in NFPA 140.

(b) Definitions. The following terms shall, for the purposes of this section and as used elsewhere in the Fire Code and the rules, have the meanings set forth in R202-01:

Filming.

Rigging.

Shooting.

(c) General Provisions

(1) **Production locations used for filming or rigging.** *Production locations* that are required to obtain a filming permit for shooting or rigging, as set forth in the rules of the Mayor’s Office of Film, Television and Broadcasting, 43 RCNY 9-02(b)(1), must comply with the requirements of FC325 and this section.

(2) **Designation of fire safety manager.** Pursuant to FC325.6, an applicant for a permit for shooting or rigging must designate, in accordance with R325-01(d)(2), one or more *production location* fire safety managers who hold a *certificate of fitness* for such purpose, where required by R325-01(d)(1).

(3) **Applicability of NFPA 140.** *Production locations* subject to FC325 must comply with the requirements for “production locations” in NFPA Standard 140 of 2018, entitled “Standard on Motion Picture and Television Production Studio Soundstages, Approved Production Facilities, and Production Locations.”

(d) Supervision of Fire Safety at Production Locations

(1) **Fire safety manager required.** Except as otherwise provided in R325-01(e), a fire safety manager holding a *production location certificate of fitness* for such purpose must *personally supervise* a *production location*, in accordance with R325-01(d)(3), where production activity occurs indoors, on a rooftop, terrace, or

balcony, or in an enclosed yard or courtyard, or where a *Department* permit is required pursuant to FC105.6, except that a fire safety manager is not required to be provided at any *production location* that meets the following criteria:

(A) The scope of the shooting or rigging permit is limited to news media, still photography, documentaries, exterior Electronic News Gathering-style filming with a crew of four (4) persons or less, or student filming, as determined by the permit-issuing office; or

(B) The activity authorized by the shooting or rigging permit is conducted entirely outdoors, not on a rooftop, terrace, balcony, or in an enclosed yard or courtyard, and no permits are required pursuant to FC105.6.

(2) **Designation of fire safety manager.** The name and *certificate of fitness* number of the designated fire safety manager for each *production location* must be specified by the holder of a permit for shooting or rigging before the commencement of activity authorized by the permit, in accordance with the procedures established by the permit office of the Mayor's Office of Media and Entertainment. Such information must also be maintained in an approved format at the *production location* in accordance with R325-01(h).

(3) **Production location fire safety manager requirements.** The fire safety manager must perform the duties and responsibilities set forth in FC325.6.1 and this section.

(A) **Personal supervision required.** Pursuant to FC325.6, and except as otherwise authorized in R325-01(e), a *production location* must be under the *personal supervision* of a *production location* fire safety manager, each of whom must hold the required *certificate of fitness*. The fire safety manager must be present at the *production location* at all times when activity related to the shooting or rigging permit is being conducted, except that another individual holding a *certificate of fitness* for such purpose may assume the duties and responsibilities of the fire safety manager if the designated fire safety manager is absent.

(B) **Multiple fire safety managers.** Where more than one fire safety manager is required by the *Department* at a single *production location* pursuant to FC325.5.1, each fire safety manager must personally supervise such areas or activities of the film production at the *production location* as would best accomplish the fire safety purposes of FC325 and this section and in accordance with the directives of the *Department*. *Production location* fire safety managers must be equipped with a portable radio or other *approved* means of communication by which they may communicate with each other and the person in charge of the *production location*. They must also be equipped with a cellular telephone or other *approved* means of reporting an incident or unsafe condition to the *Department*.

(C) **Fire safety manager duties and responsibilities.** Pursuant to FC 113 and 325.6.1, the fire safety manager is responsible for ensuring that shooting

and rigging at *production locations* are conducted in compliance with the requirements of the Fire Code and the *rules*. Such *personal supervision* includes the following responsibilities:

- (1) Regularly and personally inspecting and monitoring the physical condition of the *production location* for fire safety purposes, including compliance with the Fire Code and *the rules*. The *production location* fire safety manager must personally inspect the *production location*, on not less than a daily basis and before shooting or rigging begins, with respect to fire safety, including the following subject matter and conditions: required permits, approvals, and certificates of fitness; access and required clearances; fire protection; catering; tents; electrical and lighting; maintenance of egress; storage, handling, and use of flammable and combustible liquids and gases; special effects precautions; sets and construction; compliance with NFPA 140; smoking restrictions; and other requirements of the Fire Code and *the rules*. The inspection of such conditions, and whether they are found to be acceptable at the time of such inspection, must be recorded on a checklist in the form and manner prescribed by the Department. In addition, such conditions must continue to be monitored and abated during rigging and shooting activities.
- (2) Directing the cessation of activity associated with shooting or rigging when an unsafe condition arises that is detrimental to fire safety, until such time as the condition is corrected;
- (3) Confirming that permits or other required approvals have been obtained for regulated materials, operations and *facilities*, including permits for production-related building alterations, storage and use of LPG and flammable and combustible fuels; special effects; and food trucks;
- (4) Immediately notifying the permit holder and/or the authorized person in charge of the *production location* of any conditions detrimental to fire safety;
- (5) Verifying that the required portable fire extinguishers are in place at the *production location* in accordance with R325-01(f)(3) and that such fire extinguishers bear the required inspection and servicing tags in accordance with FC906 and R115-02;
- (6) Providing or facilitating *Department* access to the *production location* and production activities for inspection or familiarization purposes, as set forth in R325-01(g)(2);
- (7) Maintaining at the production location all required recordkeeping, as set forth in R325-01(h); and

(8) Taking all other actions that a prudent person trained and knowledgeable in *production location* fire safety would take to ensure that fire safety is maintained at the *production location*, such as appropriate signage and notifications, given site conditions and circumstances.

(D) **Production location personnel.** All persons present on a *production location*, including production cast and crew, contractors, subcontractors and their employees, must cooperate with, and comply with the directions of, the fire safety manager in authorizing, supervising and/or monitoring materials, operations and *facilities* regulated by the Fire Code, or otherwise carrying out the duties and responsibilities of a fire safety manager, as set forth in FC325.6 and this section. Cooperation includes the cessation of activity associated with rigging or shooting when the fire safety manager alerts *production location* personnel of an uncorrected or unmitigated condition in accordance with R325-01(d)(3)(C)(2). Additionally, the holder of the permit for shooting or rigging must instruct *production location* personnel to cooperate with *Department* personnel.

(e) Supervision of Multiple Production Locations. Where a permit holder is conducting activity associated with a single production at no more than three *production locations* being operated simultaneously under one or more permits, the *production location fire safety manager* may exercise general supervision of such locations if all of the following conditions are met:

(1) Each *production location* is located no more than 500 yards from any other *production location* and is accessible by the fire safety manager, traveling on foot or by other approved means, within four minutes; and

(2) Under the general supervision of the fire safety manager, each *production location* is being personally supervised by a trained and knowledgeable person designated by the fire safety manager, and each such individual is equipped with the communications devices set forth in R325-01(d)(3)(B).

(f) Additional Fire Safety Measures. All *production locations* subject to the requirements of FC325, regardless of whether a *production location* fire safety manager is required by this section, must comply with the following additional requirements:

(1) **Cessation of filming activity.** When an unsafe condition detrimental to fire safety arises at a *production location*, activity associated with shooting or rigging must cease at such location until the unsafe condition is corrected, or until the condition is otherwise mitigated by means acceptable to the *Department* if the condition cannot be corrected in a timely manner.

(2) **Means of egress.** *Means of egress*, including *exit access*, *exits* and *exit discharges*, must be monitored to ensure that they are unobstructed, that there are no

impediments to their immediate use, and that door hardware and other devices and components are in good working order.

(3) **Housekeeping.** *Production locations* must be maintained in a clean and orderly condition and kept free of accumulations of rubbish and other combustible waste, in accordance with FC304.1.

(4) **Portable fire extinguishers.** *Production locations* must comply with portable fire extinguisher requirements:

(A) As applicable for the occupancy, in accordance with FC906;

(B) In accordance with any *special effects* permit issued by the *Department*; and,

(C) Pursuant to FC325.9, one or more portable fire extinguishers with at least a 2-A:10-B:C or other approved rating must be provided and kept readily accessible, unobstructed, and unobscured, as set forth in FC906, with a maximum travel distance to an extinguisher of not more than 75 feet from shooting or rigging activity.

(5) **Prohibitions.** Except as otherwise provided in FC 309.3(1) and 309.3(2):

(A) It shall be unlawful to charge, store, handle, or use *powered mobility devices* indoors at premises associated with *production locations*, except as approved by the *Department*.

(B) It shall be unlawful to charge removable storage batteries for *powered mobility devices* at indoor *production locations*, except in accordance with FC309.3.3.

(6) **Additional precautions.** The *Department* may require the presence of *Department* representatives or standby fire apparatus during production activities where the *production location* or production activities presents a heightened risk of fire, as determined by the *Department*.

(g) **Enforcement of Fire Safety at Production Locations**

(1) **Reporting requirements.** A holder of a *certificate of fitness* as a *production location* fire safety manager must comply with the following reporting requirements.

(A) **Immediate Department notifications.** The *production location* fire safety manager must immediately notify the Explosives and Entertainment Unit of the Bureau of Fire Prevention, in the manner prescribed by the *Department*, of any fire, injury or other incident involving a material, operation or facility regulated by the *Department*, as to which 911 is called and an emergency

response requested. The Department must similarly be immediately notified of any unresolved fire safety incident, including a failure of production staff to comply with a directive of the fire safety manager necessary to correct an unsafe condition at the *production location*.

(B) Reporting of other incidents. The *production location* fire safety manager must report, within 24 hours, to the Explosives and Entertainment Unit of the Bureau of Fire Prevention in the manner prescribed by the Department, any other incident involving a material, operation or facility regulated by the *Department*, including any incident that involves an injury to person, damage to property, or the potential to have caused such injury or damage.

(2) **Cooperation with Department inspections and familiarization.** The *production location* fire safety manager must provide or arrange for *Department* access to the *production location* and production activities, as follows:

(A) Inspection of *production locations* to verify compliance with the Fire Code, *the rules*, and the provisions of the Construction Codes or other laws enforced by the *Department*.

(B) Inspection of *production locations* by firefighters and other *Department* personnel for purposes of enabling such personnel to familiarize themselves with the *production location* and production activity to prepare for a possible emergency response to the location.

(h) Recordkeeping Requirements. The *production location* fire safety manager must maintain the following records at the production location and, upon request, make them available for inspection by any Department representative:

(1) **Inspection checklist.** The record of periodic inspection of the *production location* required by R325-01(d)(3)(C)(1). Entries must be made for any conditions not in compliance with the applicable code and *rule* requirements, when such conditions could not be timely corrected, and the notifications made.

(2) **Required permits.** A copy of the filming permit and all permits required by FC105.6 related to *shooting* and *rigging* at the *production location*.

(3) **Certificates of fitness.** A copy of the certificate of fitness of the fire safety manager designated for the *production location* and all certificates of fitness required by the Fire Code and *the rules* related to *shooting* and *rigging* at the *production location*.

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS  
253 BROADWAY, 10<sup>th</sup> FLOOR  
NEW YORK, NY 10007  
212-788-1400**

**CERTIFICATION / ANALYSIS  
PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE: Rules Relating to Fire Safety at Film Production Locations**

**REFERENCE NUMBER: FDNY-33**

**RULEMAKING AGENCY: Fire Department**

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because the violations pose significant risks to public safety.

/s/ Francisco X. Navarro  
Mayor's Office of Operations

October 30, 2023  
Date

**NEW YORK CITY LAW DEPARTMENT  
DIVISION OF LEGAL COUNSEL  
100 CHURCH STREET  
NEW YORK, NY 10007  
212-356-4028**

**CERTIFICATION PURSUANT TO  
CHARTER §1043(d)**

**RULE TITLE:** Rules Relating to Fire Safety at Film Production Locations

**REFERENCE NUMBER:** 2023 RG 078

**RULEMAKING AGENCY:** Fire Department

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN  
Senior Counsel

Date: October 27, 2023